

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
No. 04 CV 12480 PBS

Gucci America, Inc.
Plaintiff,

v.

Luxury Brands LLC,
Luxury Brands LLC.Com,
James McHugo
Defendants.

ANSWER AND AFFIRMATIVE DEFENSES

Now come defendants in the above referenced cause of action
and hereby answer and otherwise plead as follows:

1. This paragraph does not call for a response;
2. This paragraph is a recital of Plaintiff's legal
claims and jurisdictional statements and therefore
does not call for a response;
3. This paragraph is a legal conclusion and therefore
does not call for a response;
4. This paragraph is a legal conclusion and therefore
does not call for a response;

5. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
6. Denied;
7. Admitted in part. Luxury Brands LLC is not a corporation organized under the laws of the State of Delaware. Moreover, it is not currently doing business at the location recited in Plaintiff's complaint and it is unclear precisely what the Plaintiff means when it states that it "doe business under the name" of www.Luxurybrandsllc.com. Defendant Luxury Brands LLC does acknowledge that the reference is a website where it sells certain goods;
8. Denied in part. McHugo does not own and operate the website. McHugo denies that he resides at the address set forth in the complaint. McHugo admits that he is a listed Member of Luxury Brands LLC;
9. Defendants do not have sufficient knowledge to admit or deny the state of mind or beliefs of Plaintiff. Defendants deny the balance of the allegations of this paragraph;

10. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
11. Defendants admit that the trademark "Gucci" to the extent that it exists is recognizable. As to the balance of the allegations set forth in this paragraph, Defendants do not have sufficient information to either admit or deny the allegations set forth herein;
12. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
13. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
14. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
15. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
16. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;

17. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
18. Denied;
19. Denied;
20. Denied;
21. Denied;
22. Denied;
23. This paragraph does not call for a response;
24. Denied;
25. Denied;
26. Denied;
27. Denied;
28. Denied;
29. Denied;
30. Denied;
31. Denied;
32. This paragraph is a legal conclusion and therefore does not call for a response;
33. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph;
34. Defendants do not have sufficient knowledge or information to formulate a response to the

allegations set forth in this paragraph and calls
upon the Plaintiff to prove the same;

35. Denied;

36. Denied;

37. Denied;

38. Denied;

39. Denied;

40. Denied;

41. Denied;

42. Denied;

43. Denied;

44. Denied;

45. Denied;

46. Denied;

47. Denied;

48. This paragraph does not call for a response;

49. Denied;

50. Denied;

51. Denied;

52. Denied;

53. Denied;

54. Denied;

55. Denied;

56. Denied;

- 57. This paragraph does not call for a response;
- 58. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph and calls upon Plaintiff to prove the same;
- 59. Denied;
- 60. Denied;
- 61. Defendants do not have sufficient knowledge or information to formulate a response to the allegations set forth in this paragraph and calls upon Plaintiff to prove the same;
- 62. Admitted;
- 63. Denied;
- 64. Denied;
- 65. Denied;
- 66. Denied;
- 67. Denied;
- 68. This paragraph does not call for a response;
- 69. Denied;
- 70. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Plaintiff is estopped by its own conduct from obtaining that relief which it has requested.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff has waived any right to recovery that it may have had.

THIRD AFFIRMATIVE DEFENSE

There does not exist personal jurisdiction over the defendants.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to mitigate its damages.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to make proper service of process on the defendants.

SIXTH AFFIRMATIVE DEFENSE

Recovery by the Plaintiff is barred because it has unclean hands.

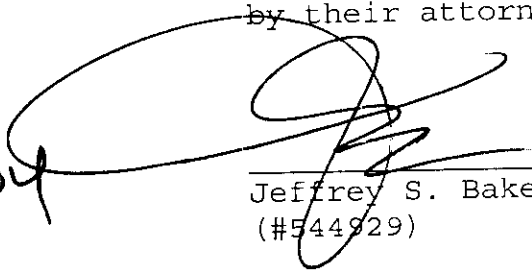
SEVENTH AFFIRMATIVE DEFENSE

There does not exist as a separate legal entity known as LuxuryBrandsLLC.com.

Defendants-in-counterclaim
by their attorney,

DATED:

12-21-04



Jeffrey S. Baker, Esquire
(#544929)

Suite 100
2 West Hill Place
Boston, MA 02114
(617) 573-9505 (Mr. Baker)

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing
document was served upon all pro se parties and
attorneys of record by mail/hand on _____

12-21-01 